

Enforcement Policy Statement – Dedicated Purpose Pool Pumps

Issued: April 1, 2021

DOE will not enforce the testing, labeling, certification, and standards compliance requirements for dedicated purpose pools pumps that meet all of the following three criteria:

- 1) The orifice on the pump body that accepts suction side plumbing connections has an inner diameter of greater than 2.85 inches; and
- 2) The pump has a measured performance of ≥ 200 gallons per minute (gpm) at 50 feet of head as determined in accordance with Appendix B or C (as applicable) to Subpart Y of 10 CFR Part 431, section I.A.1 (When determining overall efficiency, best efficiency point, or other applicable pump energy performance information, section 40.6.5.5.1, “Test procedure”; section 40.6.6.2, “Pump efficiency”; and section 40.6.6.3, “Performance curve” must be used, as applicable.); and
- 3) The pump is marketed exclusively for commercial applications.

Background: DOE adopted energy conservation standards and a test procedure for dedicated-purpose pool pumps in an open negotiation process through the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC). During the course of those discussions and negotiations, the parties discussed that pumps meeting the three criteria above were different from the dedicated-purpose pool pumps under consideration. These criteria were neither memorialized in the term sheet nor voted on in adopting the final recommendation to DOE. Therefore, these criteria were not reflected in DOE’s notices of proposed rulemaking. Similarly,

no commenters raised the issue of these pumps during the rulemaking process. As a result, the regulatory text adopted by DOE in its final rules did not explicitly exempt these pumps from the test procedures, labeling requirements and energy conservation standards. Nonetheless, manufacturers have recently raised concerns that these pumps were not considered during the development of the test procedures and standards in the negotiations. Based on a review of the transcripts of the negotiations, DOE has determined that it will not enforce the testing or labeling requirements or the energy conservation standards with respect to this limited group of pumps.

This policy does not create or remove any rights or duties and does not affect any other aspect of EPCA or DOE regulations. This policy statement is not a final agency action, has no legally binding effect on persons or entities outside the federal government, and may be rescinded or modified in the Department's complete discretion. Accordingly, it is not intended to, does not, and may not be relied upon to, create any rights, substantive or procedural, enforceable at law by any party in any matter.